

CONSENT AGENDA

Agenda Item IX-A

Date: 3/14/16

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
628 NORTH MAIN STREET
FEBRUARY 22, 2016
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; William Pitman Chief of Police; Brian Wright-Finance Director; Ken Martin-City Engineer/Public Works Director; Zenia Cornejo-Management Assistant; Jon Vlaming-Community Development Director; Paul Anchondo-Parks and Recreation Director

I. CALL TO ORDER

Mayor Belloc called the meeting to order at approximately 6:00 p.m.

II. INVOCATION

Invocation was given by Pastor Debbie Miller.

III. PLEDGE OF ALLEGIANCE

Councilmember Galindo led Council and the public in the Pledge of Allegiance.

IV. ROLL CALL

Council Members Present: Councilmember JoAnne Galindo; Councilmember Andrew Rodriguez; Mayor Joel Belloc; Vice Mayor Micah Powell; Councilmember J.W. Tidwell; Councilmember J.R. Nagy; Councilmember Augustine Saucedo

Council Members Absent: None.

V. COMMUNICATIONS

Mr. Krauss introduced Mr. Jim Dinkle, executive director for Access Arizona who gave an update on the organization's recent activities & events.

Vice Mayor Powell thanked the police department for their professionalism in dealing with a recent break-in on his property.

VI. APPEARANCES FROM THE FLOOR

None.

VII. EXECUTIVE SESSION

Mayor Belloc used the chair's discretion to move Executive Session before Adjournment.

VIII. CONSENT AGENDA

Councilmember Nagy requested agenda item IX-C be removed from the Consent Agenda for discussion.

- | <u>Agenda Item</u> | <u>Subject</u> |
|--------------------|---|
| IX-A. | Approval of Minutes: 2/8/16 (regular) |
| IX-B. | Authorize payment to Willdan Associates for 3 rd party plan review services for the Red Rock Detention Center expansion and remodeling plans. |
| IX-C. | Authorize the City to approve a Consent Agreement with Pinal County for acceptance of a Highway 84 Right-of-Way adjacent to the existing City annexed area. (Removed for discussion) |
| IX-D. | Authorization to enter into an Intergovernmental Agreement (IGA) with Pinal County for election services for the 2016 Primary and General Elections. |
| IX-E. | Authorize the Purchase of a new 2,000 gallon Water Truck from RWC Group. |
| IX-F. | Award a Contract to MP Environmental for the Clean Closure of the Sludge Bed at the City's Wastewater Treatment Plant (WWTP). |

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to remove agenda item IX-C from the Consent Agenda and approve remaining Consent Agenda items as presented, passed unanimously by roll call vote.

IX. BUSINESS

C. AUTHORIZE THE CITY TO APPROVE A CONSENT AGREEMENT WITH PINAL COUNTY FOR ACCEPTANCE OF A HIGHWAY 84 RIGHT-OF-WAY ADJACENT TO THE EXISTING CITY ANNEXED AREA.

Cover sheet discussion: Council authorize the City to approve a Consent Agreement with Pinal County for the transfer of a portion of Highway 84 (Frontier Street) right-of-way (between the existing boundary located at the easterly extension of Nelson Farm Road and Highway 84 (Frontier) and the extension of Hanna Road and Highway 84 (Frontier Street) from Pinal County to the City of Eloy.

On April 13, 2015, the Council considered and approved the Consent Agreement with Pinal County to transfer a portion of Highway 84 right-of-way from Pinal County to the City of Eloy. The portion of Highway 84 right-of-way transferred extended northwest from the N. Arlington Road alignment to the easterly extension of Nelson Farm Road, a distance of approximately 1.9 miles. This transfer of adjacent right-of-way should have been accomplished when Robson Ranch was annexed into the City of Eloy. Council's approval in April 2015 has allowed the City to assume maintenance of that portion of the road, enforcement of traffic laws, including accident investigations, as well as regulatory control of off-premises signage. The transfer has also resulted in reduced response times to calls for Eloy Police service on the roadway, now that the City has obtained jurisdictional authority.

Due to the fact that the City's incorporated area extends north of the existing right-of-way jurisdictional boundary, the City should rightfully accept the responsibility for all of the right-of-way adjacent to its annexed area. It should also include the right-of-way surrounding the new City entry sign located on the south side of Highway 84.

The right-of-way being transferred to the City includes 100 feet, 67 feet on the north side and 33 feet on the south side of the existing roadway. The transfer to be considered extends northwest a distance of approximately 0.9 miles. With this right-of-way transfer, the new city limit boundary would begin at the westerly extension of Hanna Road and Highway 84 (Frontier Street).

FISCAL IMPACT

With right-of-way ownership, the City will be responsible for maintenance costs, regulatory signage, and traffic control. In September 2013, Pinal County completed a chip seal of Highway 84 (Frontier Street). This improvement should prolong the life of the existing roadway for five years until additional improvements will be needed.

Councilmember Nagy voiced his concerns about accepting the right-of-way on Highway 84. As a resident at Robson Ranch, he said there are still problems with entering/exiting Highway 84. He believes the city needs to do something to slow down drivers and prevent them from going over the white line. He pointed out that Council and staff had discussed putting in bumpers to slow drivers down. Drivers are still jumping the lanes; however believes the installation of bubble markers on the white line would slow them down. He said if something is not done, he's concerned there will be a casualty at that location.

Mayor Belloc pointed out that the entrance/exit into Robson Ranch is not addressed in this particular item that is before Council tonight.

Mr. Krauss concurred with Mayor Belloc. He said that section is already annexed into the city. Tonight's item refers to the northwest of that; just past Overfield Road up to the Hanna Road alignment. He reiterated this item does not affect Councilmember Nagy's concern; however staff can take another look at that area to see if traffic can be slowed down.

Councilmember Galindo agreed with Councilmember Nagy about that area being dangerous; however believed that it will take time for drivers to accept the change and get used to the bumpers that were installed a few months ago.

Motion by Vice Mayor Powell, seconded by Councilmember Saucedo to authorize the city to approve a Consent Agreement with Pinal County for acceptance of a Highway 84 Right-of-Way adjacent to the existing city annexed area, passed by the following roll call vote:

Ayes: Councilmember Galindo; Councilmember Rodriguez; Councilmember Saucedo; Mayor Belloc; Vice Mayor Powell; Councilmember Tidwell

Nays: Councilmember Nagy

G. PRESENTATION TO THE MAYOR AND COUNCIL BY KIMLEY-HORN AND ASSOCIATES REGARDING THE SUN CORRIDOR METROPOLITAN PLANNING ORGANIZATION'S PROPOSED REGIONAL TRANSPORTATION PLAN.

Cover sheet discussion: *Mayor and Council to receive an update from Kimley-Horn and Associates on the proposed Regional Transportation Plan being prepared for the Sun Corridor Metropolitan Planning Organization (SCMPO), and provide input and feedback on the Draft Plan. No action is required by Council.*

In 1973, the Federal Transportation Act, and later the Federal Highway Funding Act initiated in 1991 known as the Intermodal Surface Transportation and Equity Act (I.S.T.E.A), required urbanized areas with populations of 50,000 or greater to establish Metropolitan Planning Organizations to address traffic congestion, air quality issues, and other transportation issues. The Cities of Eloy, Casa Grande, Coolidge, and an area of unincorporated Pinal County have satisfied the Federal requirement by forming the Sun Corridor Metropolitan Planning Organization (SCMPO). In order for an M.P.O. or its member agencies to receive Federal transportation funding, they must meet certain requirements. One of those requirements is that they "develop transportation plans and programs to provide for the development of transportation facilities which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation." To meet one part of this requirement, the SCMPO solicited and received proposals for the preparation of a Regional Transportation Plan specific to the area

encompassed by the M.P.O. The project was awarded in November 2014 to the engineering firm of Kimley-Horn and Associates of Tucson.

Public outreach and information is an important part of the preparation of any Transportation Plan, as well as a State and Federal requirement. Kimley-Horn has requested meetings with all SCMPO stakeholders and their governing bodies, in order to advise those stakeholders of the direction and scope of the proposed plan, and include ideas and directives received in the preparation of the plan. Kimley-Horn presented the proposed direction and emphasis areas for the Plan to the Mayor and Council on February 9, 2015. This proposed presentation will include an update of the plan progress and some of the final draft items.

FISCAL IMPACT:

There is no direct cost to the City of Eloy for the preparation of the plan. The plan is funded by Federal Highway Administration funds, and administered by the Sun Corridor Metropolitan Planning Organization.

Mr. Krauss introduced Ms. Irene Higgs, acting executive director for SCMPO who gave Council a brief overview about the need for a Regional Transportation Plan. Ms. Higgs invited Council and the public to attend a public hearing on the regional transportation plan March 8, 2016, at 9:00 a.m., at Casa Grande City Council chambers.

It was at this time that Ms. Higgs introduced Mr. Brent Crowther with Kimley-Horn and Associates. Mr. Crowther presented a PowerPoint overview to Council of SCMPO's draft Regional Transportation Plan. During his presentation, Mr. Crowther answered questions from Council.

NOTE: This item does not require Council action.

H. AUTHORIZE THE CITY TO SUBMIT A LETTER OF OBJECTION TO THE ARIZONA CORPORATION COMMISSION ON ARIZONA WATER COMPANY'S REQUEST FOR ADDITIONAL TIME TO SATISFY CERTIFICATE OF CONVENIENCE & NECESSITY (CC&N) COMPLIANCE ITEMS FOR PARCELS 3 & 8.

Cover sheet discussion: Council authorize the City to submit a letter of objection to the Arizona Corporation Commission (ACC) on Arizona Water Company's request for additional time to satisfy Certificate of Convenience & Necessity (CC&N) compliance items for Parcels 3 & 8.

In March 2006 the ACC granted Arizona Water Company the authority to provide water service to approximately 640 acres of land (Parcel 3) north of Battaglia to Houser Road adjacent to Arizona City, and Parcel 8 at the southwest corner of Toltec Buttes Road and Phillips Road. The ACC imposed a timetable and specific requirements on Arizona Water Company for serving these parcels. In 2006 City of Eloy filed an objection with the ACC to the granting of the CC&N for Parcels 3 and 8.

Since March 2006 Arizona Water Company has received several time extensions from the ACC to comply with the requirements of the ACC's decision, but have yet to satisfy the CC&N requirements. The Arizona Water Company has indicated that the recession in the real estate market has delayed their ability to serve these parcels. At this time, Arizona Water Company is requesting another two-year extension until March 23, 2018.

Parcel 3 is located within the City's Planning Area, and there is an existing city water line within one-half mile of Parcel 3. Parcel 8 is within the City's corporate limits and should be served by city utilities. Arizona Water Company was required to enter into an agreement with the City to serve Parcel 8, but no agreement was executed.

Staff is seeking authorization from Council to file an objection to the ACC on the granting of an additional time extension to Arizona Water Company since they have had ten years to meet the compliance requirements imposed by the ACC but have failed to meet the CC&N obligations for these parcels.

FISCAL IMPACT:

At time of development the City will obtain additional water revenues from new customers.

Mr. Krauss gave an overview of Arizona Water Company's (AWC) request to the Arizona Corporation Commission (ACC) for an extension of its Certificate of Convenience & Necessity (CC&N) and the city's objection to the request.

Mayor Belloc asked Mr. Krauss would the city be required to have infrastructure in these areas.

Mr. Krauss said no; the ACC would just indicate to the AWC that they would not have the right to serve the area because of its proximity to an existing water line for Eloy. The time to have an extension of service would be at the time of development, and the developer would be responsible for the infrastructure not the city.

Mr. Krauss conveyed that the land is in the county...so it's up for grabs. He said the city is close enough to the area that it can provide service when time for development; however, the city would not be required to and could relinquish its rights. Mr. Krauss voiced that at the time of development the city would require annexation and require the developer to connect to the city's water system.

Councilmember Rodriguez asked is parcel 8 the parcel the city is objecting to.

Mr. Krauss conveyed there is notation on the request from the AWC that they (AWC) had a year to enter into an agreement with the city to serve that parcel, so the preliminary order became null and void. He wants to verify that there is no agreement with the city that is null and void and the AWC has no authority to serve parcel 8.

Councilmember Rodriguez also wanted to know if parcels two and three were in the city limits.

Mr. Martine stated that parcel two is within the city limits and parcel three is in the city's planning area but not in the city limits.

Motion by Councilmember Saucedo, seconded by Councilmember Rodriguez to authorize the city to submit a letter of objection to the Arizona Corporation Commission on Arizona Water Company's request for additional time to satisfy Certificate of Convenience & Necessity (CC&N) compliance items for Parcels 3 & 8, passed unanimously by roll call vote.

X. INFORMATIONAL ITEMS

None.

VII. EXECUTIVE SESSION

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to hold an executive session at approximately 7:09 p.m. for approximately 45 minutes for:

- A. Discussion of legal matters/consultation with City Attorney, City Staff concerning *City of Eloy v. Holmes Family Trust*, pursuant to A.R.S. §38-431.03 (A) (3), (4) and (7).
- B. Evaluation of the City Attorney and discussion on City Attorney employment contract, pursuant to A.R.S. §38-431.03 (A) (1) and (4).

Motion passed unanimously.

Mayor Belloc reconvened the public meeting at approximately 7:54 p.m.

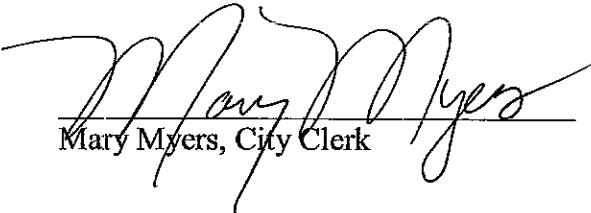
XI. ADJOURNMENT

There being no further business, Mayor Belloc adjourned the meeting at approximately 7:55 p.m.



Joel G. Belloc, Mayor

ATTEST:



Mary Myers, City Clerk